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PATENT  
Attorney Docket No. LEX-002C1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Gillies *et al.*  
SERIAL NO.: 10/005,212 GROUP NO.: 1646  
FILING DATE: December 4, 2001 EXAMINER: P. M. Mertz  
TITLE: HETERODIMERIC FUSION PROTEINS USEFUL FOR TARGETED IMMUNE  
THERAPY AND GENERAL IMMUNE STIMULATION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Sir:

In accordance with the provisions of 37 C.F.R. 1.97 and 1.98, Applicants hereby make of record the patents and publications listed on the accompanying Form PTO-1449, and other information contained herein, for consideration by the Examiner in connection with the examination of the above-identified patent application. Copies of the patents and publications are enclosed.

REMARKS

In accordance with the provisions of 37 C.F.R. 1.97, this statement is being filed (CHECK ONE):

- ☐ (1) within three (3) months of the **filing date** of a national application other than a continued prosecution application under 37 C.F.R. 1.53(d), or within three (3) months of the **date of entry of the national stage** as set forth in 37 C.F.R. 1.491 in an international application, or before the mailing of the **first Office action** on the merits, or before the mailing of a **first Office action** after the filing of a request for continued examination under 37 C.F.R. 1.114; or
- ☒ (2) after the period defined in (1) but before the mailing date of a **final action** or a **notice of allowance** under 37 C.F.R. 1.311, and
- ☐ the requisite Statement is below, **OR**

☒ the requisite fee under 37 C.F.R. 1.17(p), namely **\$180.00**, is included herein, or

☐ (3) after the mailing date of a **final action** or **notice of allowance** but before the payment of the **issue fee**, **AND**

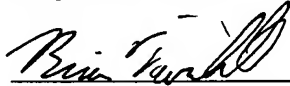
☐ the requisite Statement is below, **AND**

☐ the requisite petition fee under 37 C.F.R. 1.17(p), namely **\$180.00** is included herein.

It is respectfully requested that each of the patents and publications listed on the attached Form PTO-1449, and other information contained herein, be made of record in this application.

Applicants believe no additional fee is required for entry and consideration of this paper. If an additional fee is required, please charge Deposit Account 20-0531.

Respectfully submitted,



Brian A. Fairchild, Ph.D.

Attorney for Applicants

Testa, Hurwitz & Thibault, LLP

125 High Street

Boston, Massachusetts 02110

Date: March 8, 2004

Reg. No. 48,645

Tel. No.: (617) 248-7697

Fax No.: (617) 248-7100



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**CERTIFICATE OF FIRST CLASS MAILING UNDER 37 C.F.R. 1.8**

I hereby certify that this correspondence, and any document(s) referred to as enclosed herein, is/are being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450 on this 8th day of March, 2004.

  
Anna-Karin Kuliga

Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

Attached hereto is/are:

1. Transmittal Form (1 page);
2. Fee Transmittal (1 page);
3. A check in the amount of \$180.00;
4. Second Supplemental Information Disclosure Statement (2 pages);
5. Form PTO-1449 (7 pages);
6. Copies of cited references (A60-95, B88-B106, and C170-C238); and
7. A return receipt postcard.

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## SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

APPLICANT(S): Gillies *et al.*

SERIAL NO.: 10/005,212

FILING DATE: December 4, 2001      GROUP: 1646

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| EXAM.<br>INIT. |     | DOCUMENT<br>NUMBER | DATE     | NAME             | CLASS | SUB<br>CLASS | FILING DATE IF<br>APPROPRIATE |
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|                | A60 | 4,703,008          | 10/27/87 | Lin              |       |              |                               |
|                | A61 | 5,441,868          | 8/15/95  | Lin              |       |              |                               |
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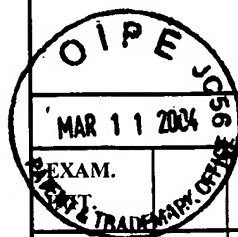
SECOND SUPPLEMENTAL INFORMATION  
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## U.S. PATENT DOCUMENTS

| EXAM. | DOCUMENT<br>NUMBER | DATE    | NAME            | CLASS | SUB<br>CLASS | FILING DATE IF<br>APPROPRIATE |
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| A88   | 2003/0003529       | 1/2/03  | Bayer           |       |              |                               |
| A89   | 2003/0044423       | 3/6/03  | Gillies et al.  |       |              |                               |
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| A92   | 2003/0012789       | 1/6/03  | Blumberg et al. |       |              |                               |
| A93   | 2003/0157054       | 8/21/03 | Gillies et al.  |       |              |                               |
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|---------------|--------------------|----------|-----------------|-------|--------------|----------------|------------------|--------------------------|
| B88           | 0 640 619 A1       | 3/1/95   | EP              |       |              |                |                  | Y                        |
| B89           | 0 668 353 A1       | 8/23/95  | EP              |       |              |                |                  | Y                        |
| B90           | 1 088 888 A1       | 4/4/01   | EP              |       |              |                |                  | Y                        |
| B91           | WO 94/24160        | 10/27/94 | PCT             |       |              |                |                  | Y                        |
| B92           | WO 94/25055        | 11/10/94 | PCT             |       |              |                |                  | Y                        |
| B93           | WO 97/43316        | 11/20/97 | PCT             |       |              |                |                  | Y                        |
| B94           | WO 99/66054        | 12/23/99 | PCT             |       |              |                |                  | Y                        |
| B95           | WO 00/24893        | 5/4/00   | PCT             |       |              |                |                  |                          |
| B96           | WO 00/68376        | 11/16/00 | PCT             |       |              |                |                  | Y                        |
| B97           | WO 01/36489        | 5/25/01  | PCT             |       |              |                |                  | Y                        |
| B98           | WO 01/58957        | 8/16/01  | PCT             |       |              |                |                  |                          |
| B99           | WO 02/02143        | 1/10/02  | PCT             |       |              |                |                  |                          |
| B100          | WO 02/066514       | 8/29/02  | PCT             |       |              |                |                  | Y                        |
| B101          | WO 02/072605       | 9/19/02  | PCT             |       |              |                |                  |                          |
| B102          | WO 02/079232       | 10/10/02 | PCT             |       |              |                |                  |                          |
| B103          | WO 02/079415       | 10/10/02 | PCT             |       |              |                |                  |                          |
| B104          | WO 02/090566       | 11/14/02 | PCT             |       |              |                |                  |                          |

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|                | B105                                                                                   | WO 03/048334                                                                                                                                                                                          | 6/12/03         | PCT   |              |                               |
|                | B106                                                                                   | WO 03/077834                                                                                                                                                                                          | 9/25/03         | PCT   |              | Y                             |
| EXAM.<br>INIT. | OTHER DOCUMENTS: (Including Author, Title, Date, Relevant Pages, Place of Publication) |                                                                                                                                                                                                       |                 |       |              |                               |
|                | C170                                                                                   | Angal et al., (1993), "A Single Amino Acid Substitution Abolishes the Heterogeneity of Chimeric Mouse/Human (IgG4) Antibody," <u>Molecular Immunology</u> , 30(1):105-108.                            |                 |       |              |                               |
|                | C171                                                                                   | Batra et al., (1993), "Insertion of Constant Region Domains of Human IgG1 into CD4-PE40 Increases Its Plasma Half-Life," <u>Mol. Immunol.</u> , 30(4):379-386.                                        |                 |       |              |                               |
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|                | C180                                                                                   | Davis et al., (2003), "Immunocytokines: Amplification of Anti-cancer Immunity," <u>Cancer Immunol. Immunother.</u> , 52:297-308.                                                                      |                 |       |              |                               |
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|                | C182                                                                                   | Duncan et al., (1988), "The Binding Site for C1q on IgG," <u>Nature</u> , 332:738-740.                                                                                                                |                 |       |              |                               |
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|                | C185                                                                                   | Fibi et al., (1995), "N- and O-Glycosylation Muteins of Recombinant Human Erythropoietin Secreted From BHK-21 Cells," <u>Blood</u> , 85(5):1229-1236.                                                 |                 |       |              |                               |
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|                | C186               |      | Frost et al., (1997), "A Phase I/IB Trial of Murine Monoclonal Anti GD2 Antibody 14.G2a Plus Interleukin-2 in Children with Refractory Neuroblastoma," <u>Cancer</u> , 80:317-33.                                                                                       |       |              |                               |
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|                | C188               |      | Gillies et al., (1991), "Expression of Genetically Engineered Immunoconjugates of Lymphotoxin and a Chimeric Anti-ganglioside GD2 Antibody," <u>Hybridoma</u> , 10(3):347-56.                                                                                           |       |              |                               |
|                | C189               |      | Gillies et al., (2002), "Bi-functional Cytokine Fusion Proteins for Gene Therapy and Antibody-targeted Treatment of Cancer," <u>Cancer Immunol. Immunother.</u> , 51(8):449-60.                                                                                         |       |              |                               |
|                | C190               |      | Gillies et al., (2002), "Improved Circulating Half-life and eRfficacy of an Antibody-interleukin 2 Immunocytokine Based on Reduced Intracellular Proteolysis," <u>Clin. Cancer Res.</u> , 8(1):210-6.                                                                   |       |              |                               |
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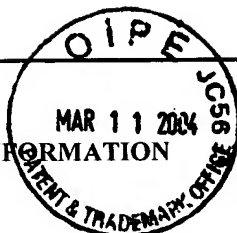
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|                | C207 | Lode et al., (2000), "Melanoma Immunotherapy by Targeted IL-2 Depends on CD4(+) T-cell Help Mediated by CD40/CD40L Interaction," <u>J. Clin. Invest.</u> , 105(11):1623-30.                                                                                                                                                                 |      |                 |       |              |                               |
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|                | C211 | Mullins et al. (1997), "Taxol-mediated Changes in Fibrosarcoma-induced Immune Cell Function: Modulation of Antitumor Activities," <u>Cancer Immunol. Immunother.</u> , 45:20-28.                                                                                                                                                            |      |                 |       |              |                               |
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SECOND SUPPLEMENTAL INFORMATION  
DISCLOSURE STATEMENT

ATTORNEY DOCKET NO.: LEX-002C1

APPLICANT(S): Gillies *et al.*

SERIAL NO.: 10/005,212

FILING DATE: December 4, 2001 GROUP: 1646

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## U.S. PATENT DOCUMENTS

| EXAM.<br>INIT. |      | DOCUMENT<br>NUMBER                                                                                                                                                                                                                                                                    | DATE | NAME            | CLASS | SUB<br>CLASS | FILING DATE IF<br>APPROPRIATE |
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